

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0115
Landscape Resources

P.C. DATE: 10/23/2012

ADDRESS: 7401 Old Bee Caves Road

AREA: 1 acre

OWNER: WEAPSA LLC
(Werrick E. Armstrong)

AGENT: Thrower Design
(A. Ron Thrower)

ZONING FROM: RR-NP; Rural Residence-Neighborhood Plan

ZONING TO: LR-NP; Neighborhood commercial -Neighborhood Plan

NEIGHBORHOOD PLAN AREA: Oak Hill Combined Neighborhood

SUMMARY STAFF RECOMMENDATION

Staff recommendation is to grant General Office – Mixed Use - Conditional Overlay - Neighborhood Plan (GO-MU-CO-NP) combining district zoning. The conditional overlay would limit the number of vehicle trips per day to less than 2,000; limit the maximum height to 40 feet; and prohibit off-site accessory parking as a permitted use.

PLANNING COMMISSION RECOMMENDATION:

October 23, 2012

To grant General Office – Mixed Use - Conditional Overlay - Neighborhood Plan (GO-MU-CO-NP) combining district zoning with staff recommended conditions. [Approved on Consent: Motion by Commissioner Hernandez; Seconded by Oliver; Passed 8-0].

RECENT EVENTS:

Prior to consideration by the Planning Commission, the Applicant notified staff of his concurrence with the staff recommendation (please see Exhibit D). The case was not discussed at the Commission meeting, and was approved with the Consent Motion.

DEPARTMENT COMMENTS:

This unplatted tract is located approximately one-half mile northwest of the “Y” at Oak Hill between State Hwy 71 and Old Bee Caves Road. Owing to its location, it is within the Barton Springs Zone (BSZ) overlay district and subject to the Save Our Springs ordinance. The tract consists of approximately one acre and contains a 1,700 square foot single family house previous converted to office uses and a detached warehouse of approximately 1,200 square feet. Until recently, it was used for a landscaping firm’s business activities.

It is surrounded on three sides by office-zoned property, two of which are used by the Southwest Hills Community Church, while the third remains a single-family residence (see Exhibits A through A-2). Opposite Old Bee Caves Road are large undeveloped tracts zoned Rural Residential and Neighborhood Commercial, along with a flag leading to the Aviara, a gated SF-6-zoned, residential development.

At the time an associated neighborhood plan amendment was submitted in the summer of 2011, the property was being used by Landscape Resources, a local firm specializing in the design, construction, and maintenance of commercial landscapes. Back then, the neighborhood plan amendment and presumed subsequent zoning request was driven, at least in part, because the property had been cited for operating a business in a residentially zoned district. Over the past several months while the neighborhood plan amendment was active, the business relocated all but their offices from the premise. More recently, the office function has been relocated and as such, commercial zoning is no longer needed to accommodate an existing business enterprise.

A neighborhood plan amendment supporting a future land use map change to Neighborhood Mixed Use was approved by the Planning Commission and City Council earlier this summer. Per the adopted Neighborhood Plan, this area of Old Bee Caves Road is envisioned to develop with Mixed Residential and Neighborhood Mixed Use; the latter category includes neighborhood office, limited office and neighborhood commercial zoning districts, as well as residential zoning districts up to MF-2.

At the time of the neighborhood plan amendment, the contact team supported various degrees of commercial activity on this site, including construction sales and service (which is permitted in CS zoning); as indicated in their correspondence (see Exhibit B), the contact team may be supportive of a more intense use than that recommended by staff.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	RR-NP	Vacant residential building converted to office and detached warehouse
<i>Northeast</i>	RR-NP; LR-NP	Old Bee Caves Rd; Undeveloped; Detention Uses; Single Family Residence to far North and Office use to far South
<i>Southeast & Southwest</i>	GO-NP	Religious Meeting and Assembly
<i>Northwest</i>	LO-MU-CO-NP; SF-2-NP	Single Family Residences

TIA: Not Required

CAPITOL VIEW CORRIDOR: No

WATERSHED: Williamson Creek – Barton Springs Zone (Contributing Zone)

DESIRED DEVELOPMENT ZONE: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Oak Hill Association of Neighborhoods	298
Austin Neighborhoods Council	511
City of Rollingwood	605
OHAN	705
Austin Independent School District	742
Home Builders Association of Greater Austin	786
Save Our Springs Alliance	943
Thomas Springs Alliance	1033
Homeless Neighborhood Organization	1037
League of Bicycling Voters	1075

Oak Hill Neighborhood Planning Contact Team	1166
Super Duper Neighborhood Objectors and Appeals Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Covered Bridge Property Owners Association, Inc.	1318
Austin Heritage Tree Foundation	1340
Oak Hill Trails Association	1343
SEL Texas	1363

SCHOOLS:

Austin Independent School District:

Oak Hill Elementary

Small Middle School

Austin High School

CASE HISTORIES:

The subject tract and surround properties were annexed into the City of Austin for Limited Purpose in late fall 1984 and for Full Purposes in late 1985. Shortly thereafter, and in conjunction with the Oak Hill Study Area work, many properties in the area were converted from interim to permanent zoning, including the subject tract. Of note, neither this tract nor any of the tracts in the immediate vicinity were rezoned as part of the Oak Hill Neighborhood Plan adopted in 2008.

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
(northwest of site) C14-85-288.97	From I-RR and I-SF-2 to RR and SF-2 From RR to LO-MU-CO		Approved 01/28/1988 Approved with 2000 VTD condition 06/24/2004
(southeast & southwest of site) C14-85-288.93 & C14-85-288.93RC	From I-RR to GO		Approved 05/05/1988 with conditions (limited FAR and limited uses to church use only)
(northeast of site; opposite Old Bee Caves Rd) C14-85-288.9 C14-94-0103 C14-00-2003	I-RR to SF-6 (53.361 acres) to LO (4.290 acres) and to LR (6.086 acres) From LR to SF-6 (0.515 acres) From I-RR to RR (0.975 acres)	Approved 07/26/1994 Approved 03/21/2000	Approved 10/09/1986 Approved 09/01/1994 Approved 10/05/2000

RELATED CASES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-85-288.L	From I-RR to RR		Approved; 10/29/1987

ABUTTING STREETS:

Street Name	Right-of-Way	Pavement Width	Classification	Daily Traffic	Bicycle Plan	Bus Service	Sidewalks
Old Bee Caves Road	Varies	22 feet	Collector	2,250	No	No	No

CITY COUNCIL DATE: December 6, 2012**ACTION:****ORDINANCE READINGS:** 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Lee Heckman
e-mail address: lee.heckman@austintexas.gov**PHONE:** 974-7604

STAFF RECOMMENDATION**C14-2012-0067****BACKGROUND**

Formerly used for business purposes, this is a site with a house converted to an office and a detached warehouse with pervious parking surfaces. It has not been rezoned since 1985, shortly after it was annexed. Per the Travis County Appraisal District, the effective build date of the primary structure is 1935.

SUMMARY STAFF RECOMMENDATION

Staff recommendation is to grant General Office – Mixed Use - Conditional Overlay - Neighborhood Plan (GO-MU-CO-NP) combining district zoning. The conditional overlay would limit the number of vehicle trips per day to less than 2,000; limit the maximum height to 40 feet; and prohibit off-site accessory parking as a permitted use.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

- 1. Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan.***

Neighborhood Mixed Use was approved by the Planning Commission and City Council earlier this year as a neighborhood plan amendment request. Per the adopted Oak Hill Combined Neighborhood Plan, this area of Old Bee Caves Road is envisioned to develop with Mixed Residential and Neighborhood Mixed Use; the latter category includes neighborhood office, limited office and neighborhood commercial zoning districts, as well as residential zoning districts up to MF-2.

While office zoning is clearly consistent with the adopted plan and amended FLUM, staff also is convinced GO, general office, is appropriate because the tract is surrounded by GO and LO. At the same time, because of its size, 1 acre in area, it is unlikely to develop at the intensity a GO-zoned project might on a larger tract.

- 2. Zoning should promote compatibility with adjacent and nearby uses; and***
- 3. Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.***

The existing rural residence (RR) district is the designation for a low density residential use on a lot that is a minimum of one acre. An RR district designation may be applied to a use in an area for which rural characteristics are desired or an area whose terrain or public service capacity require low density.

The requested neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

Staff recommends general office mixed use (GO-MU) combining district zoning. GO is the district designation for offices and selected commercial uses that serve community and city-wide needs, such as medical or professional offices. A building in a GO district may contain

one or more different uses. The recommended mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

Staff thinks the two zoning principles noted above are related, and both look at how a proposed rezoning fits within its context, as that context exists today and how that context is expected to change over time.

Old Bee Caves Road is a mix of land uses, residential, office, and commercial. However, while there are LO and GO-zoned properties north and south of the site, there is only one tract zoned LR, and that is essentially used as the driveway and detention area for the Aviara development north of the roadway. Another property, located approximately 1,050 feet northwest of the site is zoned CS, but appears to be a single family homestead. Further north is a warehouse on a GR-zoned property. In other words, there is no LR (or more intense commercial) zoned property used as commercial in the immediate area.

The site is flanked on two sides by a GO tract; the tract is limited by a conditional overlay to religious assembly uses only. The LO-MU-CO-NP tract to the north has a limitation of less than 2,000 vehicle trips per day. An office base zoning district appears to be the better fit with existing development.

Looking ahead, staff is mindful not only of the FLUM's designation of the Old Bee Caves Road area as Mixed Residential in this area, but also the fact the property is within the Barton Springs Zone (BSZ) overlay district and subject to the Save Our Springs ordinance. The purpose of the BSZ overlay is to preserve the natural beauty of the Hill Country, protect the image and character of the neighborhoods in the district, and reduce the negative effects of urbanization by restricting the scale and intensity of retail development. Clearly the BSZ does not prohibit retail development, but when combined with the intent of the neighborhood plan, staff thinks this area will likely develop in a less dense, smaller scale way that favors offices, medium density residential, and office mixed use. Hence, staff thinks office mixed-use is more in line with the intent of the BSZ and the Oak Hill Neighborhood Plan.

As noted under Department Comments, staff is aware the contact team for this neighborhood supports a variety of retail uses on the property that vary in intensity and so cross multiple commercial zoning districts. Some of these uses are allowed in the staff recommended GO district, but might not be allowed in limited office, LO, or even warehouse/limited office, W/LO, which were also considered by staff.

4) Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.

Old Bee Caves Road is a narrow roadway with 22-feet of pavement. Until such time that the roadway might be improved, through the dedication of additional right-of-way and widening of the pavement, additional retail cannot be fully supported. Office uses, which may have lower traffic demands, seem more appropriate at this time. As a standalone office, a multifamily project, or a true mixed-use development, staff is confident the resulting traffic impact would be less than a straightforward retail based zoning district, as requested.

EXISTING CONDITIONS

Site Characteristics

This is a developed but unplatted site. It is essentially flat, with only minimal slope moving away from the roadway. There is a mixture of native trees on site, but it is unknown whether there are any protected trees. There appear to be no significant topographical constraints or environmental features on the site.

Site Plan and Compatibility Standards

1. Any new commercial development on this site will be subject to the regulations of *Subchapter E: Design Standards and Mixed Use*. Additional related comments will be provided when the site plan is submitted.

Environmental

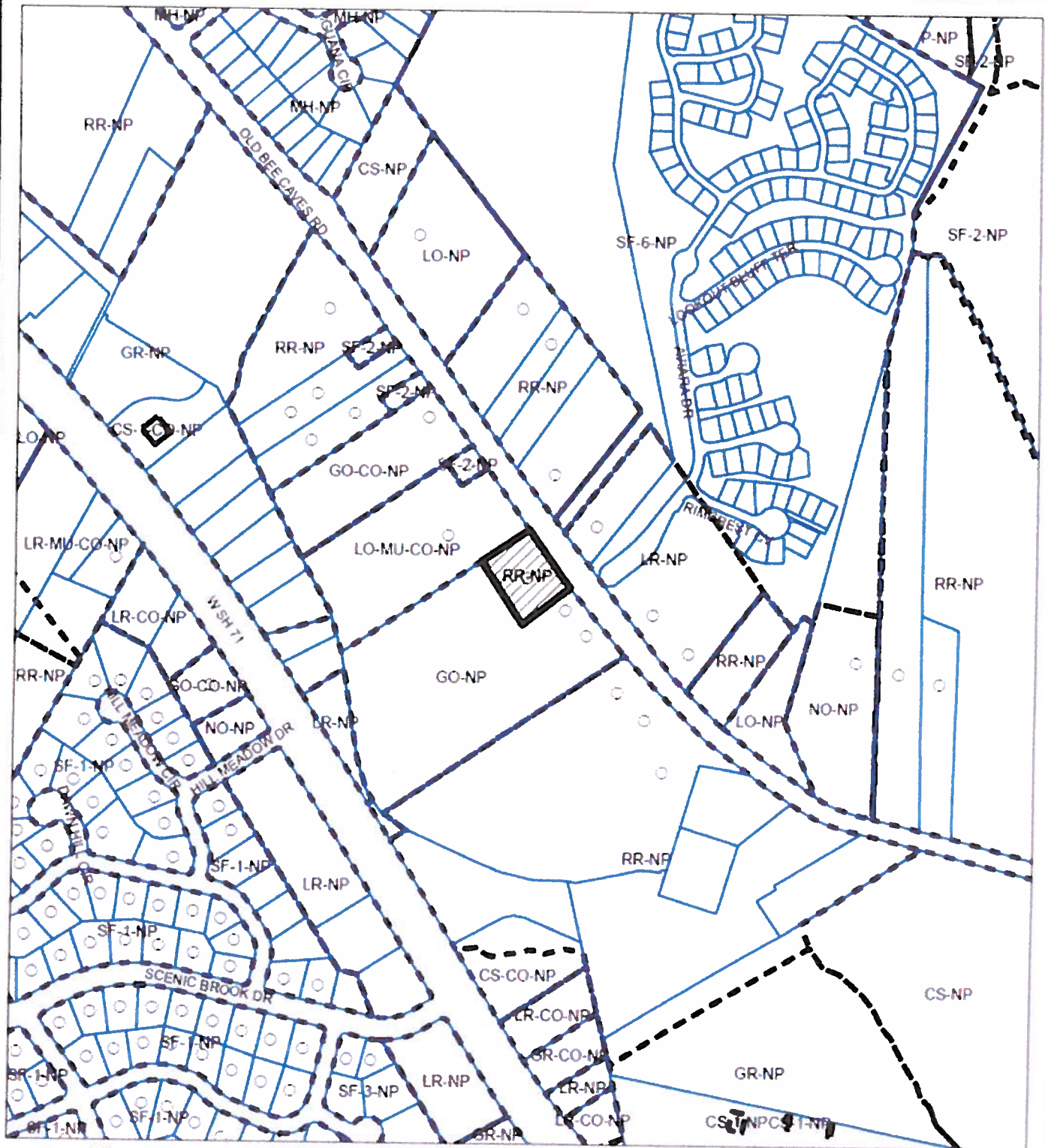
1. This site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone.
2. Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone, 20% impervious cover in the Barton Creek watershed and 25% impervious cover in the Contributing zone. This tract lies in the Contributing Zone.
3. Based upon the close proximity of flood plain to the site, offsite drainage should be calculated to determine whether transition zone exists within the project location.
4. The site is located within the endangered species survey area.
5. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
6. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
7. Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.
8. At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code regulations.

Transportation

1. No additional right-of-way is needed at this time.
2. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]
3. Old Bee Caves Road is not classified in the Bicycle Plan.
4. Capital Metro bus service is not available along Old Bee Caves Road.
5. There are no existing sidewalks along Old Bee Caves Road.




Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



ZONING

ZONING CASE#: C14-2012-0115

-  **SUBJECT TRACT**
-  **PENDING CASE**
-  **ZONING BOUNDARY**



1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by C™M for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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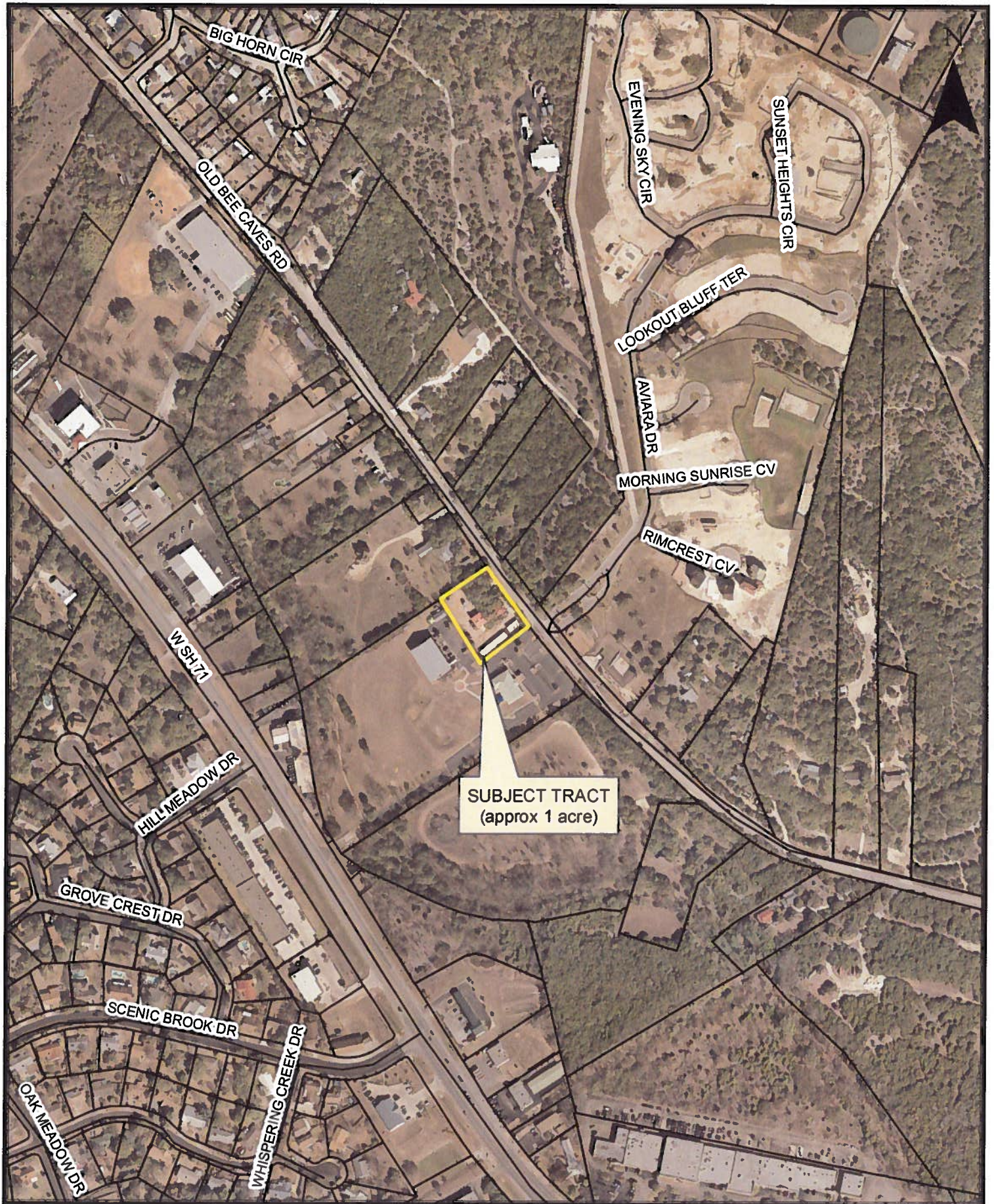


Image Data: 2009

Exhibit A - 1 Aerial

0 200 400 800 Feet

1 inch = 400 feet

C14-2012-0115 / Landscape Resources



Image Data: 2009

Exhibit A - 2 Aerial with Zoning

0 50 100 200 Feet

1 inch = 100 feet

Brian Reis, Chair
Bill Schultz, Vice Chair
Jackie Waters, Secretary



Date: August 17, 2011

To: Maureen Meredith, Senior Planner
City of Austin, Planning & Development Review Department
505 Barton Springs Road, 5th floor
Austin, TX 78704

Re: 7401 Old Bee Caves Road
Owner's Representative: Ron Thrower

On June 22, 2011, the Oak Hill Planning Contact Team (OHNPT) members in attendance at the plan amendment meeting for the above case, voted to support the F1 UM change from Mixed Residential to Mixed Use.

Although there is no zoning change application filed at this time, the contact team members also voted in support of a zoning change from RR-Rural Residential to CS-MU CO NP Commercial Service-Mixed Use-Conditional Overlay-Neighborhood Plan. The property owner is currently operating a landscaping business (Construction Sales and Service use) on the property without the proper zoning. The Conditional Overlay approved by the contact team members on June 22nd, among other things, would prohibit certain uses allowed in the RR and CS zoning district. The OHNPCT also expects compliance with SOS.

Permitted uses should be restricted to: construction sales and services, medical office, religious use, safety services, consumer repair services, general retail sales/convenience, art gallery, art workshop, personal services, personal improvement service, plant nursery, professional office, publishing and printing, software development, medical office under 5000 square feet, bed and breakfast group 2, residential up to 4 units, and group home/family home (subject to staff clarification).

The contact team's recommendation also includes the following: the applicant continues to follow city noise ordinance. The NPCI supports the site plan requirements of a buffer between residential properties.

Sincerely,

Brian Reis
Chair, OHNPCT

Cc: Bill Schultz
Jackie Waters

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PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2012-0115

Contact: Lee Heckman, 512-974-7604

Public Hearing: Oct 23, 2012, Planning Commission
Dec 6, 2012, City Council

JAMES L. SCHORR

Your Name (please print)

7009 OLD BEE CREEK ROAD

Your address(es) affected by this application

James L. Schorr

Signature

Daytime Telephone: 619-447-4038

Date

10-16-12

Comments:

Definitely NOT in the interest of the rural low density residential neighborhood. Please don't destroy Old Bee Creek Road

Thank you

J. Schorr

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

From: A. Ron Thrower
Sent: Tuesday, October 23, 2012 11:01 AM
To: Heckman, Lee
Subject: Landscape Resources

Lee,

Please accept this email as our agreement to staff's recommendation of "GO-MU-CO-NP" for the Landscape Resources zoning case #C14-2012-0115.

Please let me know if you have any questions.

Ron Thrower

Thrower Design

P.O. Box 41957

Austin, Texas 78704

512 / 476-4456